

Derek Kirk  
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Prison Number

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

### A. JURISDICTION

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant Carson County resides at 911 E. Musser St.,  
(full name of first defendant) (address if first defendant)  
and is employed as Detention Facility. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Sheriff's Department, Detention Facility

3) Defendant Carson City Sheriff's Dept. resides at 911 E. Musser St.,  
(full name of first defendant) (address if first defendant)  
and is employed as Detention Facility. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Detention Facility

4) Defendant Ken Furlong resides at 911 E. Musser St.,  
(full name of first defendant) (address if first defendant)  
and is employed as Sheriff. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Jail Correctional Officer, Supervisor

5) Defendant Donald White resides at 911 E. Musser St.,  
(full name of first defendant) (address if first defendant)  
and is employed as Captain of Police. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Jail Correctional Officer, Supervisor

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

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**B. NATURE OF THE CASE**

1) Briefly state the background of your case.

Between the dates of March 14<sup>th</sup>, 2013 to  
October 10<sup>th</sup>, 2013 I was held as a pre-trial detainee  
in the Carson City Sheriff's Department's detention facility.

During this confinement my Freedom of Speech right  
to incoming and outgoing correspondence through the USPS  
was violated; Causing me and my family damages.

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**C. CAUSE OF ACTION**

COUNT I

The following civil rights has been violated: My right to Freedom of Speech as guaranteed by the First Amendment was violated.

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Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Between the dates of March 14<sup>th</sup>, 2013 to October 10<sup>th</sup>, 2013 I was held as a pre-trial detainee in the Carson City Sheriff's Department's detention facility.

During this confinement all of my personal correspondence mail was limited to USPS pre-stamped postcards or shop made tourist postcards. This created an undue burden on me and my family.

Carson County, the Carson City Sheriff's Department, Sheriff Ken Furlong, and Captain Donald White created and are responsible for managing this Postcard-Only Mail Policy.

Approximately September of 2013 I spoke with White concerning my grievances about this issue. I expressed my concerns as well as other inmates at the institution. White responded with the sarcastic remark "Your brother can write his grades on a postcard, Your wife can describe what your [newborn] baby looks like, and Jesus can wait until you get out of jail." White failed to correct this unconstitutional policy.

**COUNT II**

The following civil rights has been violated: \_\_\_\_\_

**Supporting Facts:** [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].



outline).

- a) Defendants: \_\_\_\_\_
- b) Name of court and docket number: \_\_\_\_\_
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):  
\_\_\_\_\_
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**  
\_\_\_\_ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_
- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_\_\_ disciplinary hearing; (2) \_\_\_\_\_ state or federal court decision; (3) \_\_\_\_\_ state or federal law or regulation; (4) \_\_\_\_\_ parole board decision; or (5) \_\_\_\_\_ other \_\_\_\_\_.
- If your answer is "Yes", provide the following information. Grievance Number N/A.
- Date and institution where grievance was filed 6-8,8-22-13 C.C.S.D.

Response to grievance: "The inmate handbook is not open to your interpretation." "Detail how you were harmed by this policy."  
"Your brother can write his grades on a postcard, Your



wife can describe to you what your baby looks like, and  
Jesus can wait until you get out of jail"

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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

A declaration that the acts and omissions described  
herein are violative of the Constitution and laws of the  
United States.

Compensatory and Punative damages.

Recovery of costs in this suit.

Any additional relief this court deems just, proper,  
and equitable.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

Devellin  
(Signature of Plaintiff)

August 19<sup>th</sup>, 2014  
(Date)

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(Additional space if needed; identify what is being continued)